

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	10-00015-01-CR-W-DGK
AUGUSTA CANNON,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on May 26, 2010. Defendant Cannon appeared in person and with appointed counsel Richard Carney. The United States of America appeared by Assistant United States Attorney Jess Michaelson.

I. BACKGROUND

On January 26, 2010, an indictment was returned charging Defendant with one count of attempted bank robbery, in violation of 18 U.S.C. §§ 2113(a) and 2, and one count of bank robbery, in violation of 18 U.S.C. §§ 2113(a).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Michaelson announced that Paul Becker will be the trial counsel for the government. The case agent to be seated at counsel table is J.C. Bauer, FBI.

Mr. Carney announced that he will be the trial counsel for Defendant Cannon.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Mr. Michaelsen announced that the government intends to call ten witnesses without stipulations or eight witnesses with stipulations during the trial.

Mr. Carney announced that Defendant Cannon intends to call five witnesses during the trial. Defendant may testify.

V. TRIAL EXHIBITS

Mr. Michaelsen announced that the government will offer approximately twenty-five exhibits in evidence during the trial.

Mr. Carney announced that Defendant Cannon will offer approximately one exhibit in evidence during the trial.

VI. DEFENSES

Mr. Carney announced that Defendant Cannon will rely on the defenses of general denial and insanity.

VII. POSSIBLE DISPOSITION

Mr. Carney stated this case is probably not for trial.

VIII. STIPULATIONS

Stipulations are likely as to the FDIC.

IX. TRIAL TIME

Counsel were in agreement that this case will take two days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed May 25, 2010, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by Wednesday, May 26, 2010;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, June 2, 2010;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before noon, Wednesday, June 2, 2010. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. There are no unusual questions of law.

XII. TRIAL SETTING

The parties indicated that they are close to a plea agreement and that the case is not likely to go to trial. Nevertheless, all counsel and Defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on June 7, 2010. A hearing device is required.

¹Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the trial letter which is prepared by Judge James England, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by June 4, 2010. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
May 26, 2010

cc: Mr. Kevin Lyon